

American Medical Association

Physicians dedicated to the health of America



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The Honorable Greg Ganske
U.S. House of Representatives
1108 Longworth House Office Building
Washington, DC 20515

Dear Representative Ganske:

On behalf of the 300,000 physician and student members of the American Medical Association (AMA), I am writing to thank you for your recent introduction of H.R. 526 the "Bipartisan Patient Protection Act of 2001. The AMA is pleased to endorse your legislation, and we look forward to working with you and other members of the 107th Congress to enact real patient protections for all Americans.

We are well aware that you and your staff have committed many hours to developing this legislation in a bipartisan manner. We commend you for your dedication to this cause and for the strong positions you have taken on this issue. Your legislation would guarantee all Americans basic patient protections, including access to emergency and specialty care, while prohibiting "gag clauses" and "gag practices," and promoting choice of health plans. Just as important, your bill would ensure that patients have access to a binding independent external review process for coverage denials, where qualified physicians would make medical decisions.

While the AMA supports an expansion of federal remedies, we believe that the scope of the federal courts' jurisdiction should be limited. As the "Bipartisan Patient Protection Act of 2001" makes clear, the traditional authority of the states to regulate the practice of medicine must be respected. Our States have historically maintained the right and responsibility to govern the delivery of medical care to their citizens. We believe that a federal Patients' Bill of Rights should therefore protect this critical states' right, not eliminate it. Consequently, we fully agree with the bifurcated cause of action in the "Bipartisan Patient Protection Act of 2001" that would ensure that whenever health plans make medical or "quality of care" decisions, state courts must retain jurisdiction. When plans make benefits decisions, however, injured patients should be able to go to federal court and pursue expanded federal remedies.

We share your commitment that real patients' rights should be enacted this year. This view is also shared by many of both parties and in the new Administration. We thank you for your continued leadership and look forward to the day meaningful patients' rights become law.

Respectfully,

E. Ratcliffe Anderson, Jr., MD